

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

TERESA CASTEEL,

Plaintiff,

v.

MONTEREAU, INC.,

Defendant.

**Case No. 21-CV-229-JED-SH
(Tulsa County Case No.: CJ-2020-03400)**

NOTICE OF REMOVAL

Defendant Montereau (“Montereau” or “Defendant”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331 and 1441, hereby removes this action from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. Defendant is the sole defendant in the above-styled action, which was filed by Plaintiff Teresa Casteel (“Plaintiff”) in the District Court of Tulsa County, State of Oklahoma, on November 4, 2020 (hereinafter referred to as the “2020 Petition”). *See* Petition, attached as Exhibit A.

2. Plaintiff served Defendant with a Summons and copy of the 2020 Petition on April 30, 2021. *See* Summons, attached as Exhibit B.

3. This is a civil action over which the Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution, laws, or treaties of the United States, in that:

(a) On May 1, 2019, Plaintiff filed a Complaint against Defendant in the case styled *Teresa Casteel v. Montereau, Inc.*, in this Court, Case No. 4:19-cv-00227-

GKF-JFJ (hereinafter referred to as the “2019 Action”).

(b) In her Complaint in the 2019 Action, Plaintiff referenced filing a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”), *see* 2019 Action, ECF No. 2, ¶¶ 6, 28, repeatedly referenced experiencing a hostile work environment, *id.* ¶¶ 26, 36, and expressly asserted claims for both discrimination based on sex in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), *id.* ¶¶ 33-40, for a hostile work environment, *id.* ¶¶ 41-43, and for retaliation in violation of Title VII, *id.* ¶¶ 44-48.

(c) On May 31, 2019, Defendant filed a Partial Motion to Dismiss in the 2019 Action. *See* 2019 Action ECF No. 4.

(d) On November 1, 2019, the Court granted Defendant’s Partial Motion to Dismiss in the 2019 Action. *See* 2019 Action, ECF No. 13.

(e) On November 4, 2019, Plaintiff filed a Notice of Dismissal in the 2019 Action, dismissing the remainder of Plaintiff’s claims under Title VII without prejudice. *See* 2019 Action, ECF No. 14.

(f) On November 4, 2020, Plaintiff filed her Petition in the District Court of Tulsa County. *See* Ex. A.

(g) The factual allegations in Plaintiff’s Petition mirror those in the Complaint that Plaintiff filed in the 2019 Action. *Compare* Ex. A ¶¶ 3-25 with 2019 Action, ECF No. 2, ¶¶ 10-32.

(h) In her Petition, Plaintiff again alleges that she filed a “complaint” with the EEOC, *see* Ex. A ¶ 21, repeatedly references a hostile work environment, *id.* at 6 and ¶ 19, and asserts a claim for “Intentional or Reckless Permitting of a Hostile Work

Environment Resulting in Severe Emotional Distress,” *id.* at 6, in which she alleges a hostile work environment proximately causing Plaintiff’s termination, *id.*

(i) Given Plaintiff’s claim for a hostile work environment and her reference to filing a charge of discrimination with the EEOC, Plaintiff again appears to be asserting a claim for a hostile work environment in violation of Title VII against Defendant.

(j) Because such a claim arises under the laws of the United States, this Court has original jurisdiction over such a claim pursuant to 28 U.S.C. § 1331.

4. Removal of this action to the United States District Court for the Northern District of Oklahoma is therefore appropriate under 28 U.S.C. § 1441(a) because this is a civil action brought in a State court of which the district courts of the United States have original jurisdiction, and the action is being removed to the district court of the United States for the district and division embracing the place where such action is pending.

5. This Notice of Removal is being filed within thirty (30) days after Defendant was initially served with the Summons and a copy of the Petition. The Notice of Removal is therefore timely under 28 U.S.C. § 1446(b).

6. Because this action was filed in the District Court of Tulsa County, State of Oklahoma, for purposes of removal only, Defendant concedes that venue is proper in the United States District Court for the Northern District.

7. No further process, pleadings or motions have been served in this matter. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.2, true and correct copies of all process, pleadings, and orders filed or served in the District Court of Tulsa County, State of Oklahoma, have been attached to this Notice of Removal. *See* Petition, Summons and Special Entry of

Appearance and Reservation of Rights, Exhibits A-C respectively. A copy of the state court docket is attached as Exhibit D.

8. Written notice of the filing of this Notice of Removal shall be served on Plaintiff and shall be filed with the Clerk of Court of District Court of Tulsa County, State of Oklahoma.

9. Pursuant to Local Rule 81.2, Defendant's Status Report on Removed Action is being filed contemporaneously with this Notice of Removal.

10. This Notice of Removal does not waive any objections to defects in process or service of process, jurisdiction, venue, statute of limitations, exhaustion of administrative remedies, or any other defense.

WHEREFORE, Defendant hereby removes this civil action from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma.

Respectfully Submitted,

s/Steven A. Broussard

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

Caleb M. Salmon
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Tulsa, Oklahoma 74135

s/ Steven A. Broussard

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